

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

IRVIN LEE GREENE,

Plaintiff,

v.

PIERCE COUNTY JAIL
CORRECTIONS,

Defendant.

CASE NO. C13-5605 RJB-JRC

ORDER ON PENDING MOTIONS

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

The parties have filed a number of motions in this action. Plaintiff filed a motion to amend the complaint, and three motions asking for discovery or production of records (ECF No. 8, 9, 10, and 11). Defendant has filed two motions to dismiss the complaint (ECF No. 4 and 12).

The Court addresses plaintiff's motions in this order. The Court will issue a separate Report and Recommendation regarding the motions to dismiss.

Plaintiff's motion to amend the complaint is DENIED. Local Rule 15 states:


1 A party who moves for leave to amend a pleading, or who seeks to amend a
2 pleading by stipulation and order, must attach a copy of the proposed amended
3 pleading as an exhibit to the motion or stipulation. The party must indicate on the
4 proposed amended pleading how it differs from the pleading that it amends by
5 bracketing or striking through the text to be deleted and underlining or
6 highlighting the text to be added. The proposed amended pleading must not
7 incorporate by reference any part of the preceding pleading, including exhibits. If
8 a motion or stipulation for leave to amend is granted, the party whose pleading
9 was amended must file and serve the amended pleading on all parties within
10 fourteen (14) days of the filing of the order granting leave to amend, unless the
11 court orders otherwise.

12 Plaintiff's motion to amend does not contain a proposed amended complaint. When the
13 Court considers the defendant's motions to dismiss the Court may order plaintiff to file an
14 amended complaint if the Court determines that amendment of the complaint will cure a defect
15 and save the action from dismissal.

16 Plaintiff's motions for discovery are also DENIED. The parties do not normally file
17 discovery with the Court unless the discovery is an exhibit supporting a motion. To obtain
18 discovery from an opposing party plaintiff needs to follow the Fed. R. Civ. P. and this Court's
19 Local Rules, Rules 26 to 37. The Court reminds the parties that the initial disclosure
20 requirements set forth in Fed. R. Civ. P. 26 do not apply to prisoner cases. *See*, Fed. R. Civ. P.
21 26(B)(iv).

22 The clerk's office should remove ECF No. 8, 9, 10, and 11, from the Court's calendar.

23 Dated this 13th day of September, 2013.

24 

J. Richard Creatura
United States Magistrate Judge